UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/768,446	COHEN ET AL.
		Examiner	Art Unit	
		Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 August 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _8-14,26-30 and 33-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _8-14,26-30,33-39_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment filed on 08/03/04. Claims 8-14, 26-30

and 33-39 are pending in this application. Claims 33-39 were added by the amendment.

Claim Rejections - 35 USC § 103
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the
time the invention was made to a person having ordinary skill in the art to
which said subject matter pertains. Patentability shall not be negatived by
the manner in which the invention was made.

Claims 8-14, 26-30 and 33-39 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Eichstaedt et al. (U.S. Patent No. 6,662,230) in view of
Pogue et al. (U.S. Patent No. 6,112,240), and further in view of Thomas Huston
et al. (U.S. Pub. No. 2002/0007402)

As to claim 8, Eichstaedt teaches a method comprising the acts of: selecting a
group of users of the web site based on an identifier associated with each
user [col. 8, lines 39-54; Eichstaedt discloses selecting users to gain access
to specific web pages based on their client identifier]; and providing a web
page to each of the selected group of users [col. 8, lines 39-54; Eichstaedt
discloses that the selected users gain access to specific web pages].
Eichstaedt does not expressly teach the limitation of copying data from each
of the selected user's client computing devices to a central storage location;
and providing a web page based on the copied data stored in said central
storage location. However, Pogue teaches a method for obtaining client
information relating to a web page using a tracking computer that is remote
from the client computer. Pogue teaches the limitation of copying data from
each of the user's client computing devices to a central storage location
[col. 6, lines 46-50; col. 7, lines 2-7, 23-24; Pogue discloses a tracker that
obtains information (including user identification data) from cookies on
client computer and copies the data to a database].

Thomas Huston teaches a method for managing and providing web pages to users.
Thomas Huston teaches the limitation of providing a web page based on data
stored in a central storage location [par. 0043; Thomas Huston discloses a
server that maintains user-specific web page URLs].
Eichstaedt and Pogue are analogous art because they relate to monitoring
client request for web pages. Eichstaedt and Thomas Huston are analogous art
because they are methods of providing web pages to users.
It would have been obvious to one of ordinary skill in the art at the time of
the invention to modify Eichstaedt in view of Pogue and Thomas Huston so as to
store information regarding user-specific web pages in a central database. One
would be motivated to do so to 1) allow a website administrator to monitor
user activity, and 2) allow web pages to be formatted to support a client's
browser.

As to claim 9, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 8 comprising: ·   :
computing a hash of each user's associated identifier [col. 6, lines 43-62;
Eichstaedt discloses calculating a request value (hash value) from a client
identifier; par. 0043; Thomas Huston discloses computing the hash of user ID
data]; and determining, for each user, whether the hash value meets
predetermined criteria [col. 6, lines 54-59; Eichstaedt discloses comparing
the calculated request value (hash value) to a predefined maximum request
value (preset value)].

As to claim 10, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 9, wherein the act of determining
whether a hash value meets predetermined criteria comprises comparing the hash
value to a preset value [col. 6, lines 54-59; Eichstaedt discloses comparing
the calculated request value (hash value) to a predefined maximum request
value (preset value)].

As to claim 11, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 10, wherein the act of comparing the
hash value to a preset value comprises determining whether the hash value is
less than the preset value [col. 6, lines 5459; Eichstaedt discloses
determining if the calculated request value (hash value) is less than the
predefined maximum request value (preset value)].

As to claim 12, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 8, further comprising the act of:
setting an indication for each user for whom data has been copied to the
central storage location [par. 0043; Thomas Huston discloses storing the user
1D for each user for whom web page URLs are stored in the traffic server
(central storage location)].

As to claim 13, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 12, further comprising the act of:
maintaining, for one of the selected users, a mirror copy of that user's
centrally-stored data at the user's client computing device [col. 7, lines 4-
7, 11-15, 23-24; Pogue discloses transmitting a cookie with client information
to a client computer, and storing the same client information in a database].
As to claim 14, the combination of Eichstaedt in view of Pogue, in view of
Thomas Huston teaches the method of claim 8 further comprising the acts of:
deselecting one of the selected users [col. 6, lines 59-61; Eichstaedt
discloses that the predefined maximum request value can be lowered to allow
less users to be in the selected/allowed group]; providing a web page to the
user without using the copy of the user's data stored at the central storage
location [col. 4, lines 30-44; Pogue discloses displaying a web page without
using user information from the database].

As to claim 26, the combination of Eichstaedt in view of Pogue in view of
Thomas Huston teaches a system comprising:
a first computing device which provides a web page to a plurality of second
computing devices, each of said second computing devices being communicatively
connected to said first computing device, said first computing device
providing a web page to each of said second computing devices [col. 3, line 66
- col. 4, line 7; Pogue discloses a web server (first computing device) that
provides web pages to client computers (second computing devices)] based on

customization information associated with each of said second computing
devices [par. 0043; Thomas Huston discloses storing user-specific web page
URLs (customization information)], each of said second computing devices
storing its respective customization information [col. 1, lines 44-47; col. 6,
lines 46-50; Pogue discloses cookies having client information is stored on
the client computers (second computing devices)]; a data store which stores
corresponding customization information for at least some of said second
computing devices [par. 0043; Thomas Huston discloses that a traffic server
(data store) stores user-specific web page URLs (customization information)];
a throttle module which selects certain ones of said second computing devices
[col. 6, lines 43-59; Eichstaedt discloses selecting client machines (second
computing devices)] for storage of their respective customization information
in said data store [par. 0043; Thomas Huston discloses that a traffic server
(data store) stores user-specific web page URLs (customization information)];
and a migration module which copies to said data store the customization
information [col. 6, lines 46-50; Pogue discloses obtaining user information
from a cookie; par. 0043; Thomas Huston discloses storing user-specific web
page URLs (customization information) in a traffic server (data store)] from
the selected ones of said second computing devices [col. 6, lines 43-59;
Eichstaedt discloses selecting client machines (second computing devices)].

As to claim 27, the combination of Eichstaedt in view of Pogue in view of
Thomas Huston teaches the system of claim 26 further comprising: a
customization module which customizes the web page for each of the second
computing devices, wherein the customization is based on information stored in
the data store [par. 0043; Thomas Huston discloses that a traffic server (data
store) maintains specific web page URLs (customized web pages) for users
(second computing devices)] for the selected ones of the second computing
devices [col. 6, lines 43-49; Eichstaedt discloses selecting client machines
(second computing devices)], and wherein the customization is based on
information stored at the respective second computing devices for the
non-selected ones of the second computing devices [col. 4, lines 30-44; Pogue
discloses displaying web pages without using information stored in the
database].

As to claim 28, the combination of Eichstaedt in view of Pogue in view of
Thomas Huston teaches the system of claim 26, further comprising: a hashing
module which hashes the identifier for each of said second computing devices
[col. 6, lines 43-50; Eichstaedt discloses calculating request values (hash
values) far client (second computing device) identifiers], wherein said
throttle module receives a value from said hashing module and selects certain
ones of said second computing devices based on the received value [col. 6,
lines 51-59; Eichstaedt discloses client machines (second computing devices)
are selected based on the calculated request value (received value)].

As to claim 29, the combination of Eichstaedt in view of Pogue in view of
Thomas Huston teaches the system of claim 26, wherein each of said second
computing devices is associated with an identifier, and wherein said system
further comprises: a throttle value storage location [col. 6, lines 54-59;
Eichstaedt discloses storing a predefined maximum request value (throttle
value)]; wherein said throttle module selects certain ones of said second
computing devices based on the value stored at the throttle value storage
location [col. 6, lines 51-59; Eichstaedt discloses selecting client machines
(second computing devices) based on the predefined maximum request value

(throttle value)] and further based on the identifiers associated with the
respective second computing devices [col. 6, lines 46-59; Eichstaedt discloses
selecting client machines (second computing devices) based on client
identifier].

As to claim 30, the combination of Eichstaedt in view of Pogue in view of
Thomas Huston teaches the system of claim 26, wherein said throttle module
selects said certain ones of said second computing devices in a predetermined
proportion to the total number of second computing devices [col. 6, lines 59-
62; Eichstaedt discloses that the proportion of client machine
(second computing devices) that are selected can be adjusted].

Claims 33-39 recite a computer-readable medium that performs the same method
recited in claims 8-14. Therefore, they are rejected under the same rationale.

Response to Arguments

Applicant's arguments filed 08/03/04 have been fully considered but they are not
persuasive.

Applicant argued that the combination of Eichstaedt, Pogue and Huston teach
away from the features of claimed invention. Furthermore, Applicant questioned the
validity of the examiner motivation.

In response to applicant's argument that the reason given by the examiner in the
motivation is unfounded, the fact that applicant has recognized another advantage
which would flow naturally from following the suggestion of the prior art cannot be the
basis for patentability when the differences would otherwise be obvious. See *Ex parte
Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In addition, regarding to applicant argument that the combination of references
fail to teach the features of the claimed invention, examiner submits that applicant
arguments fail to comply with 37 CAR 1.111 (b) because they amount to a general
allegation that the claims define a patentable invention without specifically pointing out
how the language of the claims patentably distinguishes them from the references.

The prior art of record (at the passage cited in the first office action) substantially discloses a method and computer system for automatically limiting access of a client (user) computer to data objects accessed through a server computer dynamically prevents robots or webcrawlers from obtaining too much of the server database and from dramatically reducing server performances (see passage cited in previous action). It appears that applicant fail to fully consider the cited portion of the combination (Eichstaedt, Pogue and Huston) that forms/supports the basis of the first office action rejection. Therefore, applicant's arguments fail to specifically point out how the language of the claims patentably distinguishes them from the references since applicant's arguments did not seem to take in consideration the passages cited in the rejection.

Applicant's arguments do not comply with 37 CAR 1.111 (c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. For at least the above reasons applicant's arguments are not deemed to be persuasive. Therefore, the rejection of the argued claims 8-14 and 26-30 are maintained.

Furthermore, regarding claim 9, according to the meaning provided by applicant in the argument, examiner believes that Thomas Huston teaches computing a hash of user's associated identifier (see paragraph 0043 et seq of Huston).

In addition, contrarily to applicant's determination in the remarks, examiner believes that the combination teaches the de-selection process of the claimed invention (see Eichsteadt (previous office action) and the combination).

     THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
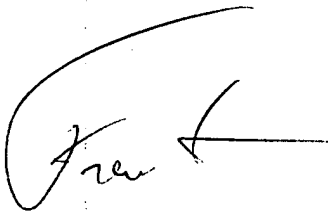
policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean

FRANTZ B. JEAN
PRIMARY EXAMINER